

216567



Mack H. Shumate, Jr.
Senior General Attorney, Law Department

May 15, 2006

VIA U.P.S. OVERNIGHT

Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

ENTERED
Office of Proceedings

MAY 1 2006

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Public Record



Attention: Victoria Rutson

Re: *Proposed Abandonment of the Stillwater Industrial Lead from M. P. 4.69 to M. P. 5.50, a distance of 0.81 miles in Washington County, Minnesota; STB Docket No. AB-33 (Sub-No. 234X)*

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Notice of Exemption in this matter on or after June 5, 2006.

Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr." with a stylized flourish at the end.

Mack H. Shumate, Jr.

Enclosures

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 234X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN WASHINGTON COUNTY, MINNESOTA
(STILLWATER INDUSTRIAL LEAD)

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

Dated: May 15, 2006
Filed: May 16, 2006

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 234X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN WASHINGTON COUNTY, MINNESOTA
(STILLWATER INDUSTRIAL LEAD)

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment of the Stillwater Industrial Lead from M. P. 4.69 to M. P. 5.50, a distance of 0.81 miles near Stillwater in Washington County, Minnesota (the "Line").

The Line traverses U. S. Postal Service Zip Codes 55082 and 55083. A Notice of Exemption to abandon the Lines pursuant to 49 C.F.R. § 1152.50 (no local traffic for at least two years) will be filed on or after June 5, 2006.

A map of the Line marked **Attachment No. 1** is attached hereto and hereby made part hereof. UP's letter to federal, state and local government agencies is marked **Attachment No. 2**, and is attached hereto and hereby made a part hereof. UP has received two (2) responses to the UP letter referenced above. The first letter dated November 8, 2005, from the Minnesota Historical Society is attached hereto as

Attachment No. 3 and is hereby made a part hereof and states that there are no historic structures on the Line. References to eligibility of the Line itself are not warranted. The track structure has been repeatedly altered, maintained and rehabilitated over the past fifty (50) years and the track structure, rails, ties and other track material have undergone repeated and substantial alteration and are clearly not the same structure that was in existence fifty (50) years ago.

The second letter dated November 9, 2005, from the United States Environmental Protection Agency ("EPA") Region 5 is attached hereto as **Attachment No. 4** and is hereby made a part hereof. In the 2nd bullet point, the EPA asks what will happen to the rail line extending north and south of the proposed abandonment. The Line ends at Milepost 5.5 to the north. There is no rail line to the north of the Line. The rail line to the south of the Line is UP main line trackage and will remain as currently used. There is no, "larger abandonment process," as questioned by the EPA. In any event, any future abandonment would be subject to STB jurisdiction. The next bullet point made a recommendation to UP that the Line be converted to a path or for trail use. While UP does not believe this is an appropriate comment for the EPA to make, the UP has undertaken discussions with local governmental officials concerning local interest in the Line for potential trail use.

With regard to bullet point 4 regarding salvage activities, UP will as always have its salvage contractor contact all applicable local governmental agencies to assure that the salvage operation is accomplished in a manner that complies with each concern addressed by the EPA to protect the environment.

With regard to bullet point 5, disposition of crossties preserved with creosote will be performed by the salvage contractor in accordance with all applicable law.

With regard to bullet point 6, UP will require in its contract with the salvage contractor comply with the removal, storing, fueling, preservation and control measures recommended by the EPA.

With regard to bullet point 7, it is clear that UP does not own the ROW upon which the Line rests, but does have an easement for railroad operating purposes on said ROW. UP understands its responsibility for its use of said ROW, but assumes no responsibility for alleged contamination in the vicinity of the Line for the acts of third-parties unrelated to railroad operations. As always, UP will cooperate with the EPA in assuring that any salvage operation will comply with applicable EPA requirements.

ENVIRONMENTAL REPORT
49 C.F.R. § 1105.7(e)

(1) **Proposed action and alternatives.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: The proposed action involves the abandonment of the Stillwater Industrial Lead from M. P. 4.69 to M. P. 5.50, a distance of 0.81 miles near Stillwater, in Washington County, Minnesota (the "Line").

The Line was originally constructed by the St. Paul, Stillwater & Taylor Falls Railway in 1871. Today the Line consists of 80-pound rail laid in 1906.

After abandonment, Stillwater and the adjacent community of Bayport will continue to receive rail service from Union Pacific, BNSF Railway, Minnesota Commercial Railway, and Canadian Pacific Railway. Stillwater lies on the northeast edge of the Twin Cities metropolitan area about five miles from the extensive Interstate network that serves the region.

There are no shippers on the Line, and no commodities have originated or terminated on the Line for over two years. There is no overhead traffic over the Line. No formal complaint regarding a cessation of service has been filed, is pending with the Board, or has been decided in favor of a complainant for well over two (2) years. Based on information in the UP's possession, the Line proposed for abandonment does not contain federally granted right-of-way.

A map of the Line is attached hereto as **Attachment No. 1.**

(2) **Transportation System.** Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: There will be no effect on regional or local transportation systems and patterns and no diversion of traffic to other transportation systems or modes.

(3) **Land Use.**(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action effects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. § 1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

Response: (i) UP is unaware of any adverse effects on local and existing land use plans. The Washington County Supervisors' Office has been contacted. To date UP has received no response.

(ii) The Natural Resource Conservation Service has been contacted. To date UP has received no response.

(iii) Not Applicable.

(iv) The property proposed for abandonment is not suitable for public purposes such as roads, highways, or other forms of mass transportation, conservation, energy production or transmission, or recreation because the area is adequately served by existing roads and utility lines. The land underlying the right-of-way was sold to the City of Stillwater on December 15, 2000 with UP retaining an operating easement for ten feet on either side of the centerline of track

(4) **Energy.** (i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

Response: (i) There are no effects on the transportation of energy resources in view of the absence of rail shipments on the Line.

(ii) There are no recyclable commodities moved over the Line.

(iii) There will be no change in energy consumption from the abandonment.

(iv)(A)(B) There will be no rail-to-motor diversion.

(5) **Air.** (i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. §10901 (or §10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in §§(5)(i)(A) will apply.

Response: There is no such effect anticipated.

(5) **Air.** (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. §10901 (or 49 U.S.C. §10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response: There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action.

(5) **Air.** (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's

safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response: The proposed action will not affect the transportation of ozone depleting materials.

(6) **Noise.** If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) an incremental increase in noise levels of three decibels Ldn or more or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: Not applicable.

(7) **Safety.** (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response: (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

(8) **Biological resources.** (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response: (i) The U. S. Fish and Wildlife Service has been contacted.

To date UP has received no response.

(ii) The National Park Service has been contacted. To date

UP has received no response.

(9) **Water.** (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

Response: (i) Region 5 of the United States Environmental Protection Agency has been contacted. The EPA expressed concern with regard to UP's intent for the abandoned property, structures, materials, rails, crossties, and any remaining layers of ballast, as well as the potential for the abandoned property for conversion to path or trail use. The Environmental Protection Agency's response is attached as **Attachment No. 4**, and is hereby made part hereof. The salvage operator shall contact appropriate

governmental authorities prior to salvaging the Line. A detailed response to the EPA's concerns is provided in the introduction of this Combined Environmental and Historic Report.

(ii) The U.S. Army Corps of Engineers has been contacted.

To date, UP has received no response.

(iii) It is not anticipated that there will be any requirements for Section 402 permits.

(10) **Proposed Mitigation.** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: There are no known adverse environmental impacts.

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

Response: See Attachment No. 1.

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

Response: The right-of-way is extremely variable in width from thirty feet to seventy feet and is all within the city limits of Stillwater. The topography is mostly level with some grade.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

Response: There are no structures over fifty (50) years in age affected by the proposed abandonment.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

Response: Not applicable.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

Response: See UP's response to question (1) in the environmental Report for a brief history and description.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

Response: Not Applicable.

(7) An opinion (based on readily available information in the UP's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

Response: At this time, UP knows of no historic sites or structures or archeological resources in the project area. The Minnesota State Historic Preservation Office has been contacted and reviewed the proposed abandonment. The State Historic Preservation Office's response is attached as **Attachment No. 3**, and is hereby made part hereof. A detailed response by UP to the State Historic Preservation Officer's comments and questions is included in the introduction to this Combined Environmental and Historic report.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain:

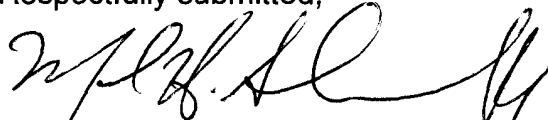
Response: UP does not have any such readily available information.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

Response: Not applicable.

Dated this 15th day of May, 2006.

Respectfully submitted,



UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

CERTIFICATE OF SERVICE
OF THE
COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 234X), the Stillwater Industrial Lead in Washington County, Minnesota was served by first class mail on the 15th day of May, 2006 on the following:

State Clearinghouse (or alternate):

Minnesota Planning
658 Cedar Street, Room 300
St. Paul, MN 55155

State Environmental Protection Agency:

Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

State Coastal Zone Management Agency
(if applicable):

Not Applicable

Head of each County:

Washington County Supervisors
14949 62nd Street N, PO Box 6
County Government Center
Stillwater, MN 55082-6132

Environmental Protection Agency
(Regional Office):

U.S. Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 3
1 Federal Drive
BHW Federal Building
Fort Snelling, MN 55111

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
St. Paul District
190 Fifth Street East
St. Paul, MN 55101-1638

National Park Service:

National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resource Conservation Service
375 Jackson Street, Suite 600
St. Paul, MN 55101-1854


National Geodetic Survey:

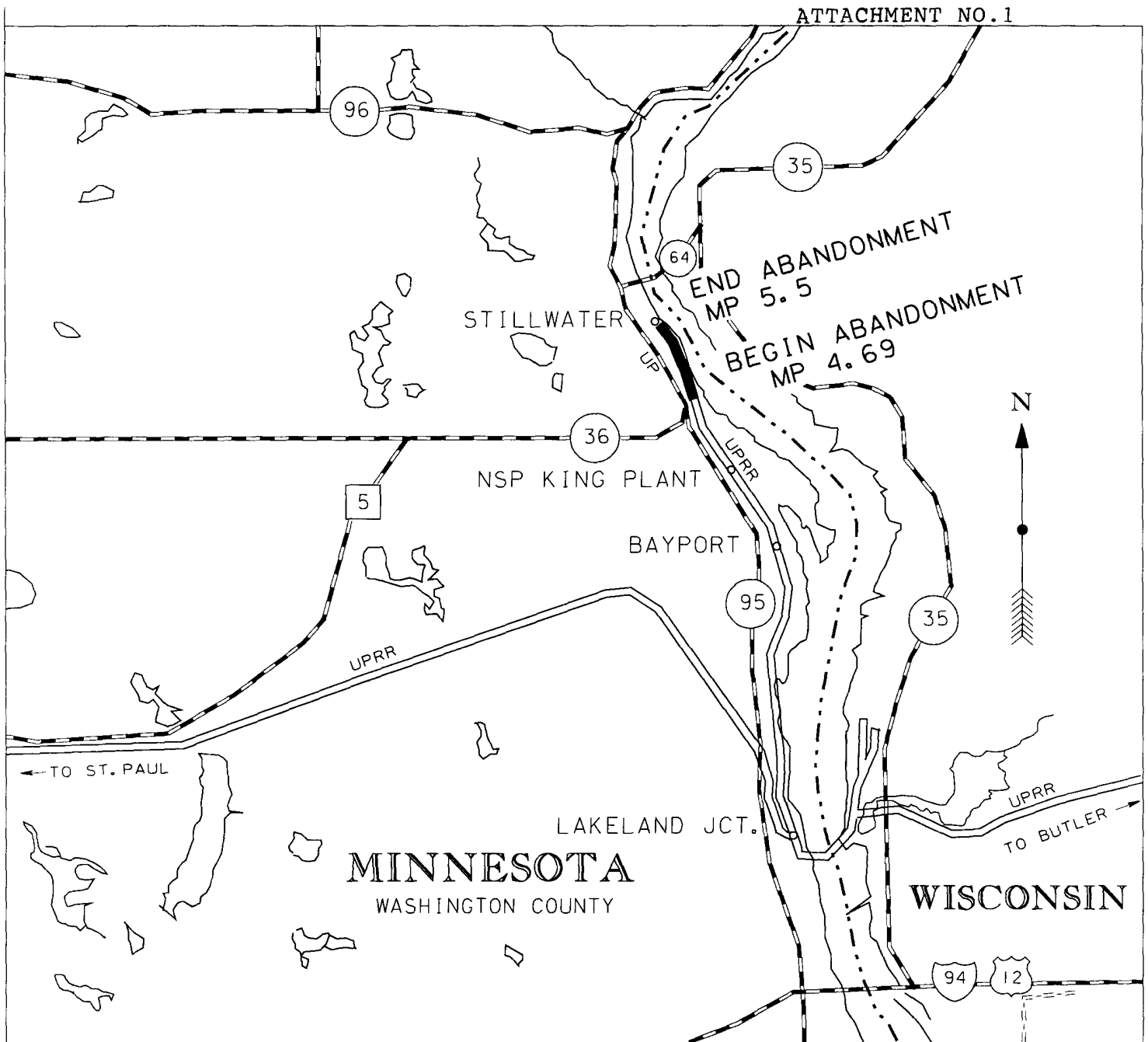
National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Minnesota Historical Society
345 Kellogg Blvd. West
St. Paul, MN 55102-1906

Dated this 15th day of May, 2006.


Mack. H. Shumate, Jr.



THERE ARE NO 50 YEAR OLD STRUCTURES

STILLWATER INDUSTRIAL LEAD

MP 4.69 TO MP 5.5
 BRANCH A TOTAL OF 0.81 MILES
 IN WASHINGTON COUNTY, MINNESOTA

L E G E N D

- UPRR LINES TO BE ABANDONED
- ==** OTHER UPRR LINES
- +—+—** OTHER RAILROADS
- 50+ YEAR OLD STRUCTURES
- - -** PRINCIPAL HIGHWAYS
- OTHER ROADS

STATION	MILE POST	AGENCY
NONE	—	NO

UNION PACIFIC RAILROAD CO.
 STILLWATER INDUSTRIAL LEAD
 INCL. 50+ YEAR OLD STRUCTURES

SCALE MILES

ab0179



(402) 501-0127 (FAX)

September 29, 2005

State Clearinghouse (or alternate):

Minnesota Planning
658 Cedar Street, Room 300
St. Paul, MN 55155

State Environmental Protection Agency:

Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

**State Coastal Zone Management Agency
(if applicable):**

Not Applicable

Head of each County:

Washington County Supervisors
14949 62nd Street N, PO Box 6
County Government Center
Stillwater, MN 55082-6132

**Environmental Protection Agency
(Regional Office):**

U.S. Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 3
1 Federal Drive
BHW Federal Building
Fort Snelling, MN 55111

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
St. Paul District
190 Fifth Street East
St. Paul, MN 55101-1638

National Park Service:

National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resource Conservation Service
375 Jackson Street, Suite 600
St. Paul, MN 55101-1854

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Minnesota Historical Society
345 Kellogg Blvd. West
St. Paul, MN 55102-1906

Re: Proposed Abandonment of the Stillwater Industrial Lead from M. P. 4.69 to M. P. 5.50, a distance of 0.81 miles in Washington County, Minnesota; STB Docket No. AB-33 (Sub-No. 234X)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Stillwater Industrial Lead from M. P. 4.63 to M. P. 5.50, a total distance of 0.81 miles near Stillwater in Washington County, Minnesota. A map of the proposed track abandonment shown in black is attached.

Law Department

UNION PACIFIC RAILROAD
1400 Douglas St., Stop 1580, Omaha, NE 68179-1580
fx. (402) 501-0127

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to again request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts. However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

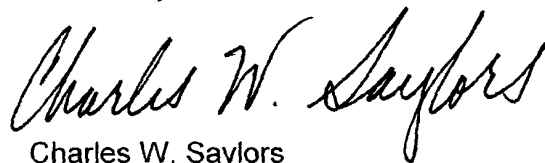
STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

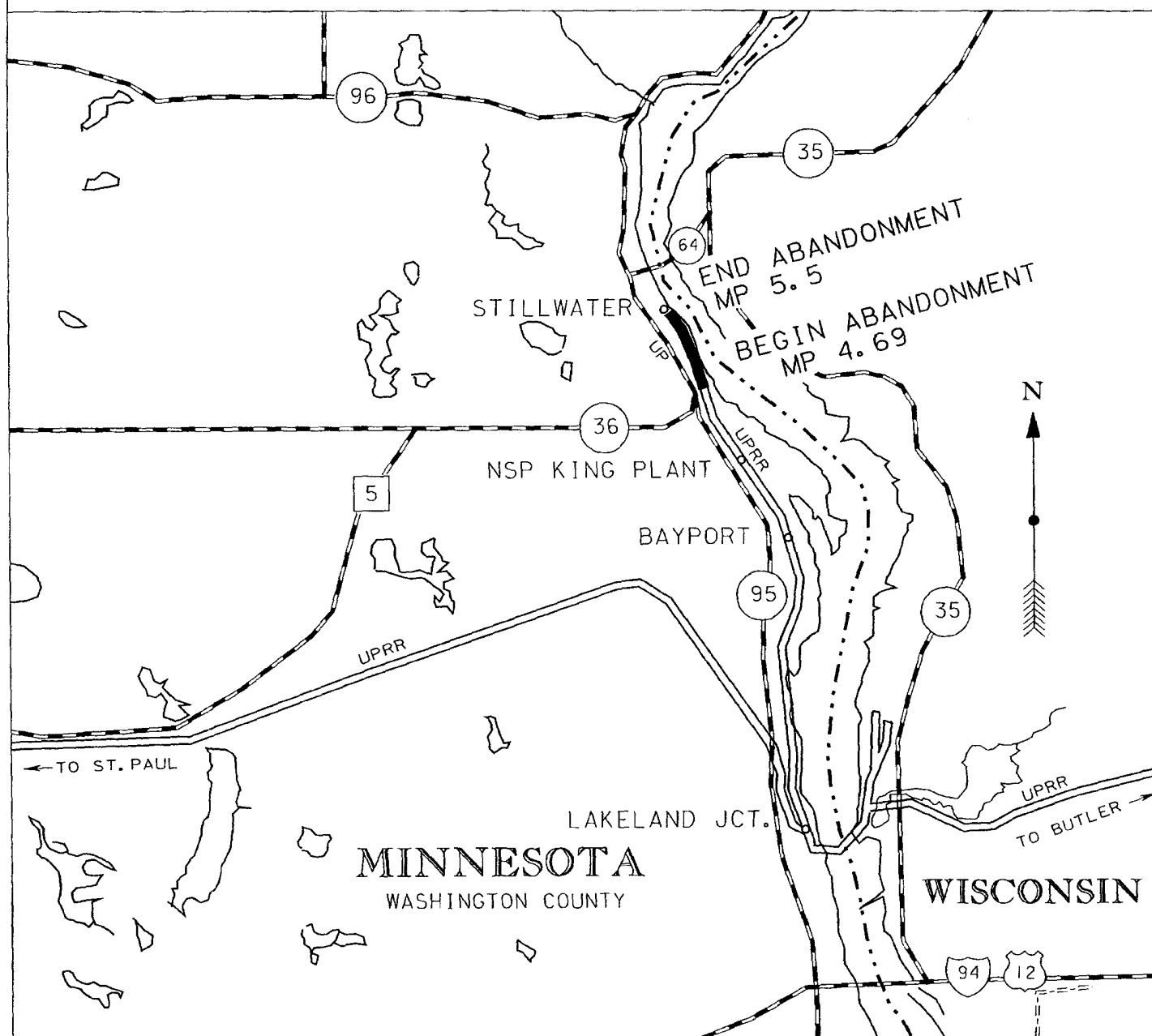
Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179. If you need further information, please contact me at (402) 544-4861.

Yours truly,



Charles W. Saylor

Attachment



THERE ARE NO 50 YEAR OLD STRUCTURES

STILLWATER INDUSTRIAL LEAD

MP 4.69 TO MP 5.5
BRANCH A TOTAL OF 0.81 MILES
IN WASHINGTON COUNTY, MINNESOTA

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

STATION	MILE POST	AGENCY
NONE		NO

UNION PACIFIC RAILROAD CO.
STILLWATER INDUSTRIAL LEAD
INCL. 50+ YEAR OLD STRUCTURES

SCALE 0 2 MILES

ab0179



MINNESOTA HISTORICAL SOCIETY

State Historic Preservation Office

November 8, 2005

Mr. Charles Saylor
Union Pacific Railroad
1400 Douglas Street, Stop 1580
Omaha, NE 68179-1580

Re: STB Docket No. AB-33 (Sub-No. 234X)
Union Pacific Railroad to abandon and discontinue service to the Stillwater
Industrial Lead from M.P. 4.69 to M.P. 5.50
Washington County
SHPO Number: 2006-0286



Dear Mr. Saylor:

Thank you for the opportunity to review and comment on the above project. It has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and the Procedures of the Advisory Council on Historic Preservation (36CFR800).

The review submittal indicates "there are no 50 year old structures". However, there is not enough information in the submittal to reach a conclusion on the eligibility of the rail line itself.

Contact me at 651-205-4205 with questions or concerns.

Sincerely,


 Dennis A. Gimmestad
Government Programs & Compliance officer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGIONS 5
 77 WEST JACKSON BOULEVARD
 CHICAGO, IL 60604-3590

NOV 09 2005

B-19J

REPLY TO THE ATTENTION OF:

Charles W. Saylor, Esq.
 Law Department
 Union Pacific Railroad
 1400 Douglas Street, Stop 1580
 Omaha, Nebraska 68179-1580

Re: Comments on a Proposed Rail Line Abandonment by the Union Pacific Railroad Company of the Stillwater Industrial Lead in Washington County, Minnesota; STB Docket No. AB-33(Sub-No. 234X), and the Tustin Industrial Lead in Orange County, California

Dear Mr. Saylor:

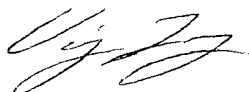
The U.S. Environmental Protection Agency (U.S. EPA) reviewed the above-mentioned scoping letter notifying relevant parties that a petition for authority to abandon 0.81 miles of rail line between M.P. 4.69 to M.P. 5.50, in Stillwater, Washington County, Minnesota, and 1.46 miles of rail line between M.P. 514.84 to M.P. 516.10 and from M.P. 514.70 to M.P. 514.90, in Tustin, Orange County, California, will be filed with the Surface Transportation Board (STB). Pursuant to a review of this scoping document, we have the following comments which should be discussed in the forthcoming Environmental Report (ER). Our comments in this letter are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

- The scoping document identifies two separate abandonments, the one in Stillwater, Minnesota is within our Region 5 jurisdiction and will be responded to in this letter. The second abandonment in Tustin, California is in the U.S. EPA's Region 9 jurisdiction and should be addressed to: Nova Blazej, Acting Director, Environmental Review Office, U.S. EPA, Region 9, Mail Code CMD-2, 75 Hawthorne Street, San Francisco, CA 94105.
- The scoping document and attached map of the Stillwater Industrial Lead, indicate that 0.81 miles of rail line will be abandoned, however, the document does not indicate what will happen to the rail line extending to the north and south of the segment proposed for abandonment. The ER should discuss whether the proposed segment is part of a larger abandonment process or if the remaining rail line to the north and south will remain active.
- Pursuant to our review of these documents, it is not clear what Union Pacific (UP) intends to do with the abandoned property. May we recommend discussing conversion to a path or trail use with appropriate city or county officials or a not-for-profit trail group in the area.

- Your scoping letter did not specify what would become of the structures and materials presently on the proposed abandoned rail line. Should UP intend to remove the rails, crossties, and any layers of ballast from the right-of-way (ROW) we request the ER specify information pertaining to removal and salvage methods. In particular, applicable environmental regulations for removal and ultimate disposal of rails and ballast should be addressed, with consideration being encouraged for the option of recycling these materials. We are particularly concerned that removal of the ballast may result in erosion of the soil and subsequent denigration of the adjacent shoreline, and therefore suggest soil erosion and stormwater runoff mitigation practices be utilized during abandonment activities. In particular, consideration of whether all or portions of the abandoned ROW will be revegetated with native flora should be addressed in the final ER. Long-term benefits of this mitigation activity go beyond stormwater and soil protection to include development of habitat for wildlife and improved aesthetics.
- Please note the final disposition of crossties preserved with creosote is an issue of concern per the July 3, 1984 Rebuttable Presumption Against Registration under the Federal Insecticide, Fungicide, and Rodenticide Act, which states that wood treated with creosote should be buried in a non-hazardous waste landfill unless otherwise required by the State of Minnesota.
- Should rail and crossties be removed, storing and fueling of construction equipment should take place in upland areas, away from the St. Croix River, an already sensitive impaired water habitat. Prevention and/or control of spills (e.g., fuels, lubricants or other pollutants) from construction equipment should be conducted according to applicable environmental regulations.
- Further concerns relate to the apparent presence of other materials which have accumulated along this ROW, including at the Aiple Marine Company, a hazardous waste site in the Burlington Street area. What these materials are and how they will be handled should also be addressed in your ER.

Thank you for the opportunity to comment during the early stages of this project. We look forward to reviewing the environmental assessment for this project and responses to the above items. Should you have further questions of us, please contact me or Norm West, of my staff, at (312)-353-5692 or by e-mail at west.norman@epa.gov. Please, address all future correspondence regarding rail line abandonment to my attention.

Sincerely,

 ACTING FOR

Kenneth A. Westlake, Chief
NEPA Implementation Section

cc: David Navecky, Surface Transportation Board